

Fishing Act

Passed 27.09.1995 by an Act (RT¹ I 1995, 80, 1384), entered into force 01.01.1996.

Amended by the following Acts (date of passage, *Riigi Teataja* citation, date of entry into force):

17.04.1996 (RT I 1996, 27, 567) 24.04.1996

25.11.1998 (RT I 1998, 108/109, 1784) 26.12.1998

14.01.1999 (RT I 1999, 10, 152) 1.01.2000

16.06.1999 (RT I 1999, 54, 583) 23.06.1999

8.12.1999 (RT I 1999, 95, 843) 1.01.2000

27.01.2000 (RT I 2000, 13, 92) 2.03.2000

14.06.2000 (RT I 2000, 54, 348) 1.01.2001

12.10.2000 (RT I 2000, 81, 514) 10.11.2000

8.02.2001 (RT I 2001, 18, 88) 26.02.2001

24.04.2002 (RT I 2002, 41, 250) 27.05.2002

19.06.2002 (RT I 2002, 61, 375) 1.08.2002

19.06.2002 (RT I 2002, 63, 387) 1.09.2002

23.01.2003 (RT I 2003, 9, 43) 29.01.2003

17.12.2003 (RT I 2003, 88, 589) 1.01.2004

17.12.2003 (RT I 2004, 2, 9) 16.01.2004, partially 1.03.2004 and 1.01.2005

14.04.2004 (RT I 2004, 30, 208) 1.05.2004

15.12.2004 (RT I 2004, 89, 609) 1.01.2005 and 7.01.2005; partially 1.09.2005 and 1.01.2006

22.02.2005 (RT I 2005, 15, 87) 3.04.2005

7.12.2005 (RT I 2005, 67, 512) 1.01.2006

1.06.2006 (RT I 2006, 28, 211) 1.07.2006

6.12.2006 (RT I 2006, 60, 444) 7.01.2007

6.12.2006 (RT I 2006, 60, 444) 1.01.2008

18.10.2007 (RT I 2007, 57, 377) 15.11.2007

18.10.2007 (RT I 2007, 57, 377) 1.01.2008

17.04.2008 (RT I 2008, 19, 133) 23.05.2008

17.04.2008 (RT I 2008, 19, 133) 1.07.2008

18.12.2008 (RT I 2009, 3, 15) 1.02.2009

13.05.2009 (RT I 2009, 26, 160) 6.06.2009

26.11.2009 (RT I 2009, 62, 405) 1.01.2010

27.01.2010 (RT I 2010, 8, 37) 27.02.2010

22.04.2010 (RT I 2010, 22, 108) enters into force on the date which has been determined in the decision of the Council of the European Union regarding abrogation of a derogation established in respect of the Republic of Estonia on the basis provided for in Article 140 (2) of the Treaty on the Functioning of the European Union

Chapter 1

General Provisions

§ 1. Purpose of Act

The purpose of this Act is to ensure the sustainable use of fishery and aquatic plant resources arising from the principles of responsible fisheries.

[RT I 2004, 2, 9 – entered into force 1.03.2004]

§ 2. Application of Act

(1) This Act applies in the exclusive economic zone of the Republic of Estonia with the exceptions arising from the Exclusive Economic Zone Act.

(2) This Act does not regulate relations concerning the breeding and catching of fish in fish breeding structures, such as ponds, cages and pools.

(3) This Act regulates fishing by vessels for which Estonian papers of nationality have been issued in waters beyond the jurisdiction of the Republic of Estonia or by an operator registered in the commercial register of the Republic of Estonia in so far as the legislation of the state where fishing is carried out or an international agreement regulating fishing in the fishing area do not provide otherwise.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(4) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.

[RT I 2002, 61, 375 – entered into force 1.08.2002]

§ 3. Fishing and collection of aquatic plants

(1) For the purposes of this Act, fishing is an activity the aim of which is the capture of fish, river lamprey, crayfish and other aquatic invertebrates (hereinafter fish) by catching or killing them.

(2) For the purpose of this Act, the collection of aquatic plants is the gathering of agar-agar (*Furcellaria lumbricalis*) from the sea.

(3) Staying on a body of water or in a limited management zone on the shore thereof with fishing gear prepared for fishing is deemed to be equal to fishing.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

§ 4. Basic requirement regarding fishing and collection of aquatic plants

During fishing and the collection of aquatic plants, the reproduction capacity of their stocks and the productivity of bodies of water shall be preserved and undesirable changes to the ecosystem of bodies of water shall be avoided.

§ 5. Right of ownership

(1) The right of ownership of a fish is created for the person who captures the fish unless this is in conflict with this Act or violates the rights of other persons. A fish is ownerless if it is free in nature.

(2) Agar-agar in the sea is in the ownership of the state. Agar-agar washed ashore is in the ownership of the owner of the immovable property located on the shore.

(3) The right of ownership of a body of water is provided by the Law of Property Act and the Water Act.

[RT I 2010, 8, 37 – entered into force 27.02.2010]

§ 6. Fishing rights

(1) Fishing shall be performed pursuant to fishing rights.

(2) Depending on the fishing gear used, a difference is made in terms of fishing rights between line fishing, recreational fishing, and commercial fishing.

(3) Everyone may exercise the fishing rights specified in subsection (2) of this section if he or she has performed the acts necessary to create such rights.

(4) Fishing rights are either free of charge or subject to a fee.

[RT I 2004, 89, 609 – entered into force 7.01.2005]

§ 6¹. Appointment of authorised body

If appointment of an authorised body is necessary pursuant to an European Union regulation governing fishing, activities related thereto or supervision over fishing, and an authorised

body has not been appointed by this Act, an authorised body shall be appointed by the Government of the Republic.

[RT I 2004, 89, 609 – entered into force 1.01.2006]

§ 7 [Repealed – RT I 2000, 81, 514 – entered into force 10.11.2000]

Chapter 2

Fishing Management

§§ 8–9 [Repealed – RT I 1999, 95, 843 – entered into force 1.01.2000]

§ 10. Line fishing

(1) Everyone may fish, free of charge and without having applied for the right to fish, with one simple hand line on a public water body or a water body designated for public use, taking into consideration restrictions concerning the permitted fishing seasons, fishing areas and species of fish.

[RT I 2010, 8, 37 – entered into force 27.02.2010]

(2) With the permission of the owner of the immovable, fishing with one simple hand line is permitted:

1) on a body of water which is not designated for public use;

[RT I 2010, 8, 37 – entered into force 27.02.2010]

2) on an immovable or part thereof which is flooded by an internal water body;

3) from sunset to sunrise on a privately owned body of water which is designated for public use.

(3) Every person has the lifelong right to fish by line.

§ 11. Recreational fishing

(1) On the basis of a fishing card or in the case of payment for recreational fishing rights, everyone may fish using fishing tackle on a public water body or a water body designated for public use, taking into consideration the restrictions arising from law.

[RT I 2010, 8, 37 – entered into force 27.02.2010]

(2) With the permission of the owner of the immovable, fishing is permitted with recreational fishing tackle:

1) on a body of water which is not designated for public use;

[RT I 2010, 8, 37 – entered into force 27.02.2010]

2) from sunset to sunrise on a privately owned body of water which is designated for public use;

3) on an immovable or part thereof which is flooded by an internal water body.

(3) The following items are recreational fishing tackle:

1) spinning reels, trolling lines, pulling devices, fly hooks, bottom lines, krunda, unanchored trimmers, hand lines and more than one simple hand line;

[RT I 2006, 60, 444 – entered into force 7.01.2007]

2) harpoon guns and harpoons;

3) hooks;

4) entangling nets;

5) longlines consisting of up to 100 hooks. Permanent residents of small permanently inhabited islands are permitted to use longlines consisting of up to 300 hooks;

[RT I 2008, 19, 133 – entered into force 23.05.2008]

6) dragnet;

7) hoopnet;

8) dip-nets and traps.

(4) Hooks may be used at sea and on Lake Peipus, Lake Lämmijärv and Lake Pskov.

(4¹) No more than three items of fishing gear belonging to the same or different types shall be used concurrently in recreational fishing, except for troll lines, dip-nets and traps, unless otherwise provided for in this Act.

(4²) Upon recreational fishing by the fishing gear specified in clauses (3) 4)-7) of this section, the restrictions established by subsections 17 (1) and 19 (3) and (4) for the same type of fishing gear upon professional fishing shall be adhered to.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(5) The following are documents certifying recreational fishing rights:

1) a document certifying payment for recreational fishing rights;

2) the fishing card, in the cases provided for in subsections (11), (111) and (112) of this section.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(6) Pre-school children, children under 16 years of age, pensioners, unlawfully repressed persons and persons treated as repressed persons and disabled persons may fish using recreational fishing tackle without paying for the right to fish, except in the cases provided for in subsections (11), (111) and (112) of this section.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(7) During recreational fishing, persons specified in subsection (6) of this section, except pre-school children, shall carry a document certifying the benefit as follows:

- 1) children under 16 years of age – student cards;
- 2) pensioners – pension certificates;
- 3) unlawfully repressed persons – repressed person's certificates;
- 4) disabled persons – documents certifying the degree of severity of a disability.

(8) In the case provided for in clause (5) 1) of this section, the right to fish for recreation commences as of the date of payment of the fee for the right to fish for recreation or as of another starting date which is entered in a document certifying payment for the right to fish for recreation, which shall not be earlier than the date of payment for the right to fish for recreation.

(9) In the case provided for in clause (5) 2) of this section, the right to fish for recreation commences as of the starting date entered in the fishing card. If the fishing card permits the use of different fishing methods during different times, the right for recreational fishing starts on the date entered on the fishing card.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(9¹) Where payment for recreational fishing rights is made by mobile phone (hereinafter mobile phone payment), the recreational fishing rights shall become effective two hours after receipt of verification of payment sent by short message service. The short message service text message is sent to the same mobile phone number from which payment was sent.

[RT I 2008, 19, 133 – entered into force 1.07.2008]

(10) The right to fish for recreation shall be valid during the term set out on a fishing card for up to one calendar year. After payment for the recreational fishing rights in cases where a fishing card is not required, the right to fish for recreation shall be effective for the term of up to one year.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(11) The Minister of the Environment has the right to designate, with the aim of conserving fishery resources, areas where limitations apply on the number of persons who fish, on fishing gear, fishing seasons or on fish caught, and areas where the use of entangling nets, longlines, hoopnets, dragnet, dipnets and traps is permitted for recreational fishing, and to establish a maximum permitted amount of fishing gear. In these areas, a fishing card grants the right to fish for recreation.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(11¹) On the basis of a fishing card, a person may use one entangling net or one longline consisting of up to 100 hooks at sea up to the 20 m isobath, in internal water bodies or transboundary water bodies or in parts thereof, and one hoopnet or one dragnet in internal water bodies and, for catching crayfish, up to five dipnets or traps in water bodies where the Minister of the Environment has determined a limitation on the number of fishing cards to be issued. One fishing card shall be issued per person for fishing, within the limits of the quota established for the corresponding region, with one entangling net, one longline consisting of up to 100 hooks, one hoopnet, one dragnet, or up to five dipnets or five traps, except to permanent residents of permanently inhabited small islands. If limit numbers have been established for more than one region within one county, the issuer of fishing cards may set out the fishing gear permitted to use in different regions on the same fishing card.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(11²) A permanent resident of a permanently inhabited small island may use, on the basis of one fishing card, up to three entangling nets and one longline consisting of up to 300 hooks at sea up to the 20 m isobath, or an area with the width of one kilometre on a lake surrounding the island of the location of his or her residence. A permanent resident of a permanently inhabited small island shall be issued one fishing card for fishing with such gear within the limits of the quota established for the area surrounding the island of the location of his or her residence. The amount of fishing gear permitted to be used in the waters surrounding such islands shall be established by the Minister of the Environment.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(12) Fishing cards are issued by the Environmental Board. The fishing card shall set out the fishing grounds, the term of validity, the name of the owner of fishing rights and, if necessary, the fishing gear, the amount thereof and the number of individuals which it is permitted to catch. The procedure for issue of fishing cards shall be established by the Minister of the Environment.

[RT I 2009, 3, 15 – entered into force 1.02.2009]

(13) Fishing cards shall be issued in the chronological order of application, taking account, upon establishing the chronological order, of the time of receipt of each conforming application. An application is received after the first working day of December of the year preceding the fishing year, except for applications for the right to fish with a crayfish trap or a dip-net in which case the applications shall be received starting from the first working day of July of the fishing year.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(13¹) Fishing cards for fishing in waters surrounding permanently inhabited small islands shall be issued by the local government, taking account of the limits established by the Minister of the Environment for the amounts of fishing gear.

(14) A fishing card shall be refused in the following cases:

- 1) the applicant for the fishing card has failed to submit catch data concerning the fish caught based on a previously issued fishing card;
- 2) the applicant for the fishing card has a punishment the data of which have not been deleted from the punishment register (hereinafter punishment in force) for violation of the requirements for submission of data concerning fishing for recreation, or more than one punishment in force for a misdemeanour for any other misdemeanour provided by this Act, or a punishment in force for a criminal offence imposed for the fishing listed in § 20² of this Act or violation of the requirements relating to such fishing;
- 3) the limitations established pursuant to subsections (11), (11¹) or (11²) of this section do not allow issue of the fishing card under the conditions applied for.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(15) The procedure for application for fishing cards, the format of fishing cards and the requirements for information to be entered in a document certifying payment for the right to fish, the payment for recreational fishing rights by mobile phone and the procedure for verification of payment of the fee shall be established by a regulation of the Minister of the Environment.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(16) The Ministry of the Environment shall be submitted the data concerning recreational fishing on the basis of a fishing card. The procedure and standard format for submission of data concerning recreational fishing, and the terms for submission of catch data shall be established by the Minister of the Environment.

(17) The fee for the right to fish for recreation based on a fishing card shall be paid within fifteen days after the date on which the issuer of the fishing card makes the decision to grant the card and if the fee has not been paid within such term, the decision to issue the card becomes invalid. A fishing card shall not be issued before the fee for the right to fish for recreation has been paid for the card. The recipient of a fishing card shall certify the receipt of the card by signing for it.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(18) The Minister of the Environment has the right to limit, by number or weight, the quantities of fish permitted to be caught upon recreational fishing during one twenty-four-hour period.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(19) Upon fishing, recreational fishing gear must be under the surveillance of the owner of the gear, and identification of the owner must be possible on the water body or its shore. Such requirement does not apply upon fishing by entangling net, crayfish trap or longline which must be marked pursuant to clause 17 (2) 5) of this Act.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

§ 12 [Repealed – RT I 2004, 89, 609 – entered into force 7.01.2005]

§ 13. Commercial fishing

(1) A person who is registered in the commercial register as an entrepreneur and whose area of activity entered in the commercial register is fishing may fish with commercial fishing gear on the basis of a fishing permit on internal water bodies, on transboundary water bodies, at sea, in the exclusive economic zone of the Republic of Estonia, or outside the waters under the jurisdiction of the Republic of Estonia. Fishing rights obtained independently of the Republic of Estonia may be used outside the waters under the jurisdiction of the Republic of Estonia only unless such use is not contrary to requirements in force in the European Union.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(2) Commercial fishing gear means longlines, gillnets and entangling nets, traps, seine nets and trawls.

(3) The right to fish commercially is granted by a fishing permit, which may be either the fishing permit of a fishing vessel or a fisherman's fishing permit.

(3¹) If holding a fishing permit is required by the European Union, the provisions of Council Regulation 1627/94/EC laying down general provisions concerning special fishing permits (OJ L 171, 06.07.1994, pp. 7–13) apply for issue of commercial fishing permits. In the case of fishing under the conditions specified in Article 1 of Council Regulation 3317/94/EC laying down general provisions concerning the authorization of fishing in the waters of a third country under a fisheries agreement (OJ L 350, 31.12.1994, pp. 13–14), the provisions of Council Regulation 3317/94/EC apply to issue of commercial fishing permits.

(4) For the purposes of this Act, a fishing vessel is a vessel specified in Article 3.c of Council Regulation 2371/2002/EC on the conservation and sustainable exploitation of fishery resources under the Common Fisheries Policy (OJ L 358, 31.12.2002, pp. 59–80).

(5) The Government of the Republic shall establish a state register of fishing vessels. The data required by Commission Regulation 26/2004/EC on the Community fishing fleet register (OJ L 005, 09.01.2004, pp. 25–35) concerning fishing vessels flying the national flag of the Republic of Estonia and, if necessary, fishing vessels entered in the Estonian ship register or the register of small craft which are not required to fly the national flag, their technical specifications and data concerning fishing shall be entered in the register.

(6) In the state register of fishing vessels, fishing vessels shall be grouped into subdivisions according to their overall length, fishing grounds, the fishing gear used and the species of fish caught.

(7) The Government of the Republic shall determine the criteria for the grouping of fishing vessels into subdivisions (hereinafter segment of fishing fleet), the requirements established for fishing vessels entered in a segment and the possibility of entry of fishing vessels in a segment. The size of a segment of fishing fleet shall be calculated on the basis of the fishing capacity.

(8) A fishing vessel shall be entered in a segment of fishing fleet into which no fishing vessels may be entered only if a vessel or vessels with the fishing capacity which corresponds to or is greater than the fishing capacity of the vessel or vessels to be entered in the segment of fishing fleet has or have previously been deleted from the segment of fishing fleet and, as a result, a free fishing capacity is created. For calculation of free fishing capacity upon entry of a fishing vessel in a segment, the requirements set forth in and on the basis of Article 13 of Council Regulation 2371/2002/EC shall be taken into account.

(9) A person who removes a fishing vessel from a segment or a person to whom the specified person assigns such right has the right to enter the fishing vessel in the segment on account of the free fishing capacity created in the segment of the fishing fleet into which no fishing vessels may be entered. The specified right is valid for thirty-six months as of deletion of the vessel from the state register of fishing vessels. If a person who removes a fishing vessel from a segment or a person to whom the specified person assigns such right has failed to submit an application for entry of a new fishing vessel in the segment within a specified period, it is considered that the person who removed the fishing vessel from the segment does not wish to enter a fishing vessel in the segment on account of the free fishing capacity or assign the specified right to another person.

(10) An agreement concerning assignment of the right to enter a fishing vessel in the register shall be entered into in writing. An agreement concerning assignment or a notarially authenticated copy thereof shall be submitted to the authorised processor of the state register of fishing vessels together with a new application for entry of a fishing vessel in the register.

(11) If a person who removes a fishing vessel from a register does not wish to enter a new fishing vessel in the register on account of the free fishing capacity and does not assign the right to enter a fishing vessel in the register to another person, persons who own or possess a fishing vessel which is entered in the corresponding segment of fishing fleet may apply for the entry of the fishing vessel in the register on account of the free fishing capacity within twelve months after expiry of the term provided for in subsection (9) of this section. If persons who own or possess a vessel which is entered in the corresponding segment of fishing fleet fail to submit an application within the specified term, all persons may apply for the entry of a fishing vessel in the register. In the cases provided for in this subsection, an application submitted according to the requirements which the authorised register of the state register of fishing vessels receives first shall be satisfied.

(12) The provisions of Article 6.1 of Council Regulation 2792/1999/EC laying down rules and arrangements regarding structural assistance in the fisheries sector (OJ L 337, 30. 12. 199, pp. 10-28) and Article 11.3 of Council Regulation 2371/2002/EC apply to the entry in the state register of fishing vessels instead of the fishing capacity of a fishing vessel which is permanently withdrawn from fishing with public aid.

(12¹) The requirements provided in subsections (8)-(12) of this section apply, considering the requirements established in and on the basis of Article 11 of Council Directive 2371/2002/EC, also in the event of increasing the fishing capacity of vessels entered in a segment of fishing fleet into which no fishing vessels may be entered.

(13) Entry of fishing vessels in the register shall be refused in the following cases:

- 1) the fishing vessel does not comply with the requirements of the segment of fishing fleet in which the vessel is to be entered;
- 2) there is no free fishing capacity in the segment of fishing fleet in which the vessel is to be entered and vessels must not be entered in the segment of the fishing fleet;
- 3) the owner of the fishing vessel or a person entered in the application as operator does not comply with the requirements for the receipt of a fishing permit;
- 4) the applicant has submitted false information in the application;
- 5) the fishing vessel to be entered in the register has been granted a state aid for the permanent withdrawal of the vessel from fishing;

- 6) the fishing vessel does not comply with the requirements established by legislation;
 - 7) the fishing vessel is not equipped with a satellite monitoring system which enables the location of the vessel to be monitored, if such system is required;
 - 8) in using the fishing vessel, international legislation or legislation of another state regulating fishing activities have been violated, the vessel has been entered in the list of vessels which have engaged in illegal fishing activities and a punishment related to the use of the vessel imposed by another state is in force which does not permit fishing by means of such vessel while the punishment is still in force.
- (14) A fishing vessel shall be deleted from the register:
- 1) if the fishing vessel or the owner or possessor thereof no longer fulfils the conditions for entry in the register;
 - 2) if the fishing licence of the vessel entered in the register is revoked;
 - 3) at the request of the usufructuary of the vessel or, in the case of a vessel entered in the register of small craft, at the request of the ship-owner;
 - 4) in the absence of the person specified in clause 3) of this subsection, at the request of the owner of the fishing vessel;
 - 5) if the fishing vessel was entered in the segment into which no new vessels may be entered, and the fishing capacity of the vessel has been increased without adhering to the requirements set out in subsection (12¹) of this section.

[RT I 2004, 89, 609 – entered into force 7.01.2005]

§ 13¹. Fishing permit of fishing vessel

- (1) The fishing permit of a fishing vessel grants the right to fish with commercial fishing gear at sea up to the external border of the exclusive economic zone of the Republic of Estonia, outside the waters under the jurisdiction of the Republic of Estonia if the state guarantees the right to fish there, or on the open sea.
- (2) A fishing permit of a fishing vessel shall be issued to an entrepreneur registered in the commercial register regarding a fishing vessel in the legal possession thereof for which an Estonian certificate of a sea-going vessel or inland vessel or small craft and a fishing licence have been issued.
- (3) Fishing permits of fishing vessels shall be issued by the Ministry of Agriculture.
- (4) An entrepreneur may replace the fishing vessel specified in a fishing permit of a fishing vessel issued to the entrepreneur with another fishing vessel in the legal possession thereof for which an Estonian certificate of a sea-going vessel and a fishing licence have been

issued, in which case the entrepreneur shall submit a written application concerning amendment of the conditions of the fishing permit to the issuer of the fishing permit. The issuer of the fishing permit shall issue a fishing permit with the amended conditions to the entrepreneur within two weeks as of the receipt of the application.

(5) During fishing, a fishing vessel may be navigated and fishing activities may be organised only by the master entered in the fishing permit of the fishing vessel.

(6) An entrepreneur may replace the master specified in a fishing permit of a fishing vessel issued to the entrepreneur with another master, in which case the entrepreneur shall inform the issuer of the fishing permit thereof in writing. In order that the replacement of the master might take effect, the issuer of the fishing permit shall issue a new fishing permit to the entrepreneur within five working days as of the receipt of the notice.

[RT I 2004, 89, 609 – entered into force 1.09.2005]

§ 13². Fisherman's fishing permit

(1) A fisherman's fishing permit grants the right to fish, except fishing for flounder, with commercial fishing gear at sea up to the 20 m isobath, on Lake Peipus, Lake Lämmijärv and Lake Pskov, on Narva River and the Narva reservoir, or on an internal water body. A fisherman's fishing permit for the fishing of flounder grants the right to fish flounder at sea, irrespective of the depth of the sea.

(2) For the purposes of this Act, a fisherman is a natural person who catches fish himself or herself with commercial fishing gear. The number of persons accompanying a fisherman who is fishing is not limited.

(3) A fisherman's fishing permit shall be issued to an entrepreneur registered in the commercial register. If the entrepreneur itself is not a fisherman, the name of the fisherman who catches fish on the basis of a written application from the entrepreneur shall be indicated in the fishing permit.

(3¹) Only fishermen holding at least the professional qualification of a category II coastal fisherman within the meaning of the Professions Act shall be entered in a fishing permit.

[RT I 2006, 60, 444 – entered into force 1.01.2008]

(4) An entrepreneur may replace the fisherman specified in a fisherman's fishing permit issued to the entrepreneur, in which case the entrepreneur shall submit a written application concerning amendment of the conditions of the fishing permit to the issuer of the permit. The issuer of the fishing permit shall issue a fishing permit with the amended conditions to the entrepreneur within five working days as of the receipt of the application.

(5) Fisherman's fishing permits shall be issued by the Ministry of Agriculture or a government authority appointed by the Minister of Agriculture.

[RT I 2004, 89, 609 – entered into force 1.09.2005]

§ 13³ [Repealed – RT I 2004, 89, 609 – entered into force 1.01.2005]

§ 13⁴. Issue of commercial fishing permit

(1) A commercial fishing permit shall be issued within the limits of the permitted annual quota allocation, number of fishing days, amount of fishing gear or number of fishing vessels (hereinafter fishing opportunities) for a specified term but for not longer than one calendar year.

(2) An application for a commercial fishing permit shall be submitted during the period of 1 September to 1 December of the year preceding the year for which the permit is applied for. The Minister of Agriculture may, with good reason, extend the term for submission of applications.

(3) Based on the status of fishery resources, the Government of the Republic shall establish, by counties or internal water bodies, the fishing opportunities on the basis on a fisherman's fishing permit, and to the permanent residents of permanently inhabited small islands, by the permanently inhabited small island, for the year for which the permit is applied by 1 November of the year preceding application, unless the European Union establishes the fishing opportunities at a later time. Fishing opportunities for the year for which the permit is applied for fishing, to be used by persons fishing on the Baltic Sea on the basis of a fishing permit of a fishing vessel as well as based on a fisherman's fishing permit, and fishing opportunities for water areas outside of the jurisdiction of the Republic of Estonia shall be established by the Government of the Republic within thirty days after establishment of fishing opportunities by the European Union. Fishing opportunities for the year for which the permit is applied which are acquired as a result of exchanging fishing opportunities with other states shall be established by the Government of the Republic within thirty days after the exchange of the fishing opportunities.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(3¹) The issuer of a commercial fishing permit may partially divide the fishing opportunities among the applicants if the European Union or the Government of the Republic has not established the fishing opportunities for the year for which the permit is applied by 15 December of the year preceding application. Upon the partial division of the fishing

opportunities, up to 30% of the fishing opportunities established during the year preceding application may be divided.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(3²) The Government of the Republic shall approve, based on the Agreement between the Government of the Republic of Estonia and the Government of the Russian Federation on Cooperation in Conservation and Use of Fishery Resources on Lake Peipus, Lake Lämmijärv and Lake Pskov, the total annual catches by fish species allocated for the Republic of Estonia on Lake Peipus, Lake Lämmijärv and Lake Pskov within 60 working days after allocation thereof between the parties at the Intergovernmental Commission on Fishing on Lake Peipus, Lake Lämmijärv and Lake Pskov. Catches approved pursuant to this subsection shall not be deemed to be fishing opportunities as defined by 16 (3) of this Act.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(4) The list of documents to be presented upon application for a commercial fishing permit, the procedure for the issue, suspension and revocation of fishing permits and the format of fishing permits shall be established by the Government of the Republic. The procedure shall include the method for calculating fishing opportunities.

(4¹) The validity of a permit is suspended in the case specified in Article 6.2 of Council Regulation 3317/94/EC, or if the validity of the fishing licence has been suspended.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(5) In order to fish commercially in waters in the Regulatory Area of the Northwest Atlantic Fisheries Organisation (hereinafter NAFO), the master of the fishing vessel indicated in the application shall also have a certificate confirming his or her knowledge of the NAFO rules. The corresponding certificate shall be issued by the Environmental Inspectorate for one year. The procedure for the issue of certificates concerning knowledge of NAFO rules and the methods for assessing such knowledge shall be established by the Minister of the Environment.

(6) The permitted fishing gear, quota allocations, fishing seasons and/or the number of fishing days, and the fishing area shall be designated in the fishing permit. If the entrepreneur has, independently of the Republic of Estonia, obtained the right to fish in waters beyond the jurisdiction of the Republic of Estonia but the granter of the right to fish requires the consent of the Republic of Estonia for the fishing right to be exercised, the fishing area shall be designated in the fishing permit and the basis for obtaining the right to fish shall be indicated in the permit.

(7) For the purposes of this Act, a fishing day is a calendar day during which a fishing vessel is present in waters where fishing is regulated, regardless of whether fish are actually caught.

(8) A commercial fishing permit shall be refused if:

- 1) the applicant or the fisherman specified in the application has more than one punishment for a misdemeanour or one punishment in force for a criminal offence imposed for a violation of the requirements for or relating to fishing listed in § 20² of this Act;
- 1¹) the applicant or a fishing vessel of the applicant does not conform to the requirements established by the European Union;
- 2) less than one year has passed since revocation of the fishing permit of the fishing vessel for violation of fishing requirements;
- 3) the applicant submits false information in the application;
- 4) [repealed – RT I 2004, 2, 9 – entered into force 1.03.2004]
- 5) the fishing vessel of the applicant is not permitted to fish in the fishing area by legislation regulating fishing or by the state or international organisation regulating fishing in the fishing area;
- 6) the applicant fails to pay the fee for the right to fish within the set term;
- 7) [repealed – RT I 2004, 2, 9 – entered into force 1.03.2004]
- 8) an application for entry of the fishing vessel in a permit is submitted regarding a fishing vessel whose fishing licence has been revoked or suspended or the vessel does not have the licence;
- 9) the permit is applied for under the conditions which do not correspond to the segment of fishing fleet into which the fishing vessel indicated in the application has been entered in the state register of fishing vessels;
- 10) the master specified in the application for a fishing permit of a fishing vessel has more than one punishment in force for a misdemeanour or one punishment in force for a criminal offence imposed for a violation of the requirements for or relating to fishing listed in § 20² of this Act.

(9) If, by 1 July of the year for which the fishing opportunities are applied for, an applicant has failed to pay for the fishing opportunities applied for or granted thereto by division pursuant to subsection 16 (3) of this section, the fishing opportunities are considered released to the extent of the unpaid part. If the permitted fishing opportunities are divided between users pursuant to subsection 16 (3) of this Act, the released fishing opportunities shall be divided on the basis of the historical fishing rights determined pursuant to subsection

16 (3) and the released fishing opportunities shall not be divided to persons on whose behalf the fishing opportunities are released. If the permitted fishing opportunities are divided pursuant to the applications or fishing opportunities have been released on behalf of all applicants who receive fishing opportunities on the basis of historical fishing rights, fishing opportunities shall be divided after the release thereof in the order in which the issuer of environmental permits receives the applications submitted according to the requirements. In such case, persons on whose behalf the fishing opportunities are released may also apply for the fishing opportunities. If there are free fishing opportunities after the satisfaction of the applications submitted until 31 August, the issuer of environmental permits may exchange these with other states for other fishing opportunities.

[RT I 2009, 26, 160 – entered into force 6.06.2009]

(10) [Repealed – RT I 2006, 60, 444 – entered into force 1.01.2008]

(11) For bodies of water where the permitted fishing opportunity for entangling or enmeshing nets is 10 or more nets, a fishing permit shall be issued for the use of at least 10 nets at a time, except in the case specified in subsections (12) and (13) of this section.

[RT I 2007, 57, 377 – entered into force 1.01.2008]

(12) A fishing permit for the use of less than 10 entangling or enmeshing nets shall be issued if, in addition to the fishing opportunity for entangling or enmeshing nets, the undertaking holds a fishing opportunity for fishing by pound net or at least two fyke nets or open-sea traps. No fishing permit for fishing by less than 10 entangling or enmeshing nets shall be issued for fishing on Lake Peipus, Lake Lämmijärv or Lake Pskov.

[RT I 2006, 60, 444 – entered into force 1.01.2008]

(13) A professional fisherman who is a permanent resident of a permanently inhabited small island may be issued a fishing permit for the use of five or more entangling or enmeshing nets.

[RT I 2007, 57, 377 – entered into force 1.01.2008]

§ 13⁵. Fishing right of owner of immovable

(1) The owner of a privately owned water body may fish or permit fishing on the water body, taking into consideration the restrictions established by and on the basis of this Act on fishing gear, fishing seasons and species of fish which it is permitted to catch. In order to fish with commercial fishing gear, the owner of a privately owned water body shall apply for a fishing permit, which shall be issued free of charge by Ministry of Agriculture or a government authority appointed by the Minister of Agriculture. The owner of a privately

owned water body may prohibit line fishing and recreational fishing on the body of water in the cases provided for in §§ 10 and 11 of this Act.

(2) Fishing on a privately owned water body located within the boundaries of several immovables shall be regulated by an agreement between the owners of the immovables.

[RT I 2004, 89, 609 – entered into force 7.01.2005; 1.09.2005]

§ 13⁶. Fishing licence

(1) A fishing licence shall be issued to a fishing vessel entered in the state register of fishing vessels, based on the provisions of Council Regulation 3690/93/EC establishing a Community system laying down rules for the minimum information to be contained in fishing licences (OJ L 341, 31.12.1993, pp. 93–95; L 019, 25.01.1996, p. 57).

(2) The authorised processor of the state register of fishing vessels shall issue fishing licences.

(3) A fishing licence need not be kept on board of a vessel with an overall length less than 10 meters, which is used for fishing only in waters under the jurisdiction of the Republic of Estonia.

(4) The authorised processor of the state register of fishing vessels shall revoke a fishing licence if:

- 1) the vessel is no longer used for fishing. The use of a vessel for fishing is deemed to have been terminated if the vessel has not been used for fishing during two consecutive years;
- 2) the vessel is deleted from the register of fishing vessels.

(4¹) An expired fishing licence shall be returned to the authorised processor of the state register of fishing vessels within ten days after the expiry of the licence. If the certificate is issued to a fishing vessel operating in waters outside the jurisdiction of the Republic of Estonia, the certificate shall be returned within thirty days after the expiry of the certificate.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(4²) The authorised processor of the state register of fishing vessels shall suspend a fishing licence if:

- 1) if a vessel has not been used for fishing within one year;
- 2) the requirements for or relating to fishing listed in § 202 of this Act have been violated upon the use of the ship.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(4³) For the period during which the fishing licence is suspended, the licence shall be returned to the authorised processor of the state register of fishing vessels. Upon suspension

of a fishing licence in the case specified in clause (4²) 1) of this section, the licence shall become valid again upon re-submission of the application for the fishing permit for the fishing vessel, and in the case specified in clause 2), if the owner or possessor of the vessel has met all the requirements made or borne all punishments imposed on him for the violation of the requirements for or relating to fishing listed in § 20² of this Act upon the use of such vessel.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(5) The Government of the Republic shall establish the procedure for the issue, suspension and revocation of fishing licences and the format of fishing licences.

§ 14. Special purpose fishing

(1) Fishing is considered to be of special purpose if it is carried out for the purpose of environmental studies, to collect roe needed for the production of restocking material, to catch breeder fish, to collect hypophysis, for the purpose of the transplantation of fish, to avoid the death of fish or to improve the ecosystem of a water body. In addition to the above, the Ministry of the Environment may declare fishing carried out within the framework of recreational fishing competitions, or fishing organised, for the purposes of practical training, by schools which have fishing practice included in their approved curricula to be special purpose fishing. In declaring fishing to be special purpose fishing, the Ministry of the Environment shall take account of the limitations for fishing for the species to be caught which arise from international legislation, whether the fishing is justified and, in the case of recreational fishing competitions, also the scope of the fishing and, whether the objective of the fishing can be achieved by any other means. Upon special purpose fishing, except for fishing within the framework of recreational fishing competitions or fishing for practical training purposes, the Ministry of the Environment may permit the use of fishing gear or manners of fishing which differ from those permitted by this Act and legislation established on the basis thereof, and allow special purpose fishing in seasons and areas closed for fishing.

[RT I 2009, 3, 15 – entered into force 1.02.2009]

(2) The right to carry out special purpose fishing is granted by a special purpose fishing permit.

(3) Special purpose fishing permits shall be issued by the Ministry of the Environment.

(4) The format of special purpose fishing permits, and the procedure for the review of applications for special purpose fishing permits and the issue and revocation of permits shall be established by the Ministry of the Environment.

§ 15. Payment for fishing rights

The fee for the right to fish shall be paid pursuant to the Environmental Charges Act and legislation established on the basis thereof.

[RT I 2005, 67, 512 – entered into force 1.01.2006]

§ 16. Restriction of commercial fishing opportunities

(1)–(2) [Repealed – RT I 2004, 89, 609 – entered into force 1.09.2005]

(2¹) In order to preserve, restore or increase fishery resources, the Government of the Republic may restrict the fishing effort or fishing capacity of vessels, the gross tonnage or engine power of fishing vessels in certain waters or upon fishing certain species of fish. The provisions of subsection (3) of this section apply to the division of limited fishing effort, fishing capacity, gross tonnage or engine power between applicants for fishing permits.

(3) If the permitted fishing opportunities of waters do not allow applications for fishing permits to be satisfied fully, the fishing opportunities shall be divided between the applicants who have legally acquired fishing rights for the same waters during the previous three years, except for fishing for sprats and Baltic herring, in which case the fishing opportunities shall be divided between the applicants who have been fishing on the same waters during the previous three years. Upon division, it shall be ensured that the proportion of the fishing opportunities acquired legally by each applicant for the same waters during the previous three years remains the same in relation to the fishing opportunities acquired legally by other persons for the same waters during the previous three years (historical fishing rights). Fishing opportunities are deemed to be acquired if they are entered in the permit and are paid for or the fishing permit is collected, if payment of the fee is not required. Upon calculation of historical fishing rights, the right to fish acquired pursuant to subsection (6) of this section shall also be taken into consideration. Upon calculation of historical fishing rights, the fishing rights which the applicant has transferred pursuant to subsection (6) of this section or waived pursuant to subsection (7) of this section shall not be taken into account. Fishing opportunities which have arisen additionally after the division of fishing opportunities shall be divided on the basis of the historical fishing rights determined pursuant to this subsection if the permitted fishing opportunities do not allow applications for fishing permits to be satisfied fully. If the permitted fishing opportunities are divided pursuant to applications, fishing opportunities which have arisen additionally shall be divided in the order in which the issuer of permits

receives applications submitted according to the requirements. Fishing opportunities are deemed to arise upon establishment thereof pursuant to subsection (13⁴) (3) of this section.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(3¹) If the fishing opportunities sold by auction are not calculated on the basis of the quantity of fish caught, it is permitted to round the results of the calculation of fishing opportunities to whole numbers.

(3²) If the permitted fishing opportunities established for the first time do not enable applications for fishing permits to be satisfied fully, the fishing opportunities shall be sold at an auction. The starting price at an auction shall be determined on the basis of § 11 of the Environmental Charges Act.

(3³) If the permitted fishing opportunities established for the first time have earlier been used otherwise and the permitted fishing opportunities do not allow applications for fishing permits to be satisfied fully, the provisions of subsection (3) of this section apply upon division of fishing opportunities and, upon calculation of historical fishing rights, the fishing opportunities used as established earlier shall be recalculated, except in the case provided for in subsection (3) of this section.

(3⁴) If, upon gathering of agar-agar, the permitted fishing opportunities are established as quota allocations instead of allocations per fishing gear and the permitted fishing opportunities do not allow applications for permits to be satisfied fully, the average of the fishing opportunities of applicants used during the previous three years shall be recalculated and allocated to the applicants who used the fishing opportunities as established earlier and the remaining fishing opportunities shall be sold at an auction. The starting price at an auction shall be determined on the basis of § 11 of the Environmental Charges Act. If the fishing opportunities are smaller than the total of the fishing opportunities of applicants who during the previous three years used the fishing opportunities as established earlier, the provisions of subsection (3) of this section apply upon division of fishing opportunities and, upon calculation of historical fishing rights, the fishing opportunities used as established earlier shall be recalculated.

(3⁵) If the permitted fishing opportunities established for the first time have earlier been used otherwise and the permitted fishing opportunities do not allow applications for fishing permits to be satisfied fully, but the persons who have used fishing opportunities earlier do not apply for fishing opportunities, the provisions of subsection (3²) of this section apply.

(3⁶) If, upon fishing for Baltic herring on the basis of a fisherman's fishing permit, the permitted fishing opportunities are established as quota allocations instead of allocations per

fishing gear and the permitted fishing opportunities do not allow applications for fishing permits to be satisfied fully, then the permitted quota allocations are divided by the total number of pound nets acquired by the all the applicants during the preceding year as a result of which the permitted quota allocation per one pound net is obtained, and each applicant is allocated fishing opportunities by multiplying the number of pound nets lawfully acquired by the applicant during the preceding year with the permitted quota allocation per one pound net. Upon calculation of fishing rights, the fishing rights which the applicant has transferred pursuant to subsection (6) of this section or waived pursuant to subsection (7) of this section shall not be taken into account.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(4) For the purposes of subsection (3) of this section, waters are a water body or a delimited part thereof where restrictions are imposed on fishing opportunities.

(5) In order to participate in an auction, a participation fee and a deposit shall be paid. The participation fee shall not exceed 10 per cent of the starting price of all the fishing opportunities for the same species in the same waters sold at auction and shall not exceed 19 euro. The size of the deposit shall be 50 per cent of the specified starting price. The participation fee shall not be refunded. The deposit shall not be refunded to a person who causes the failure of the auction. The procedure for conducting auctions shall be established by the Government of the Republic.

[RT I 2010, 22, 108 – entered into force 1.01.2011]

(5¹) A person who has caused the failure of an auction shall not participate in an auction of fishing opportunities for the same year and of the same type.

(6) It is permitted to transfer the historical fishing rights specified in subsection (3) of this section to a person who may hold a fishing permit. The transfer transaction shall be notarised. The transaction shall set out the extent of the transferred fishing rights, the basis therefor and the time of transfer of the fishing rights. The transfer of fishing rights enters into force as of the date on which a copy of the transfer transaction is transferred to the issuer of the fishing permit, unless the transaction provides for a later date.

(7) A person may waive the historical fishing rights specified in subsection (3) of this section and the fishing opportunities calculated on the basis thereof which have not been used by submitting a written application to the issuer of the fishing permit. The application shall set out the size of the fishing rights or fishing opportunities waived. If historical fishing rights and fishing opportunities are waived for the purposes of receiving support, the person is deemed to have waived the fishing rights and fishing opportunities as of the date of

satisfaction of the application for support. If the application for support is not satisfied, the application for waiver of historical fishing rights and fishing opportunities is deemed to be withdrawn.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(8) Upon dividing the historical fishing opportunities which have been waived based on subsection (7) of this section, the provisions concerning fishing opportunities which have arisen additionally shall be taken into account.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

§ 16¹. Premature termination of validity of fishing permit

(1) A fishing permit shall terminate prematurely if the fishing opportunities designated thereby are exhausted.

(2) The issuer of a fishing permit shall revoke the fishing permit if:

1) the person who obtained the permit or the vessel entered in the permit no longer meets the requirements for obtaining a permit;

2) the person who obtained the permit or a fisherman entered in the permit violates the requirements for or relating to fishing provided for in § 20² of this Act more than once during a calendar year;

3) a foreign state or international organisation regulating fishing reduces the fishing opportunities in waters outside the jurisdiction of the Republic of Estonia to an extent which does not enable fishing pursuant to the given permit;

4) the fishing opportunities assigned to the Republic of Estonia or the European Union pursuant to international agreements are exhausted and the state or the European Union is required to end fishing in the area;

5) [Repealed – RT I 2004, 2, 9 – entered into force 1.03.2004]

6) the person who obtained the permit fails to pay the fee for the right to fish within the set term;

7) the fishing vessel of the person who obtained the permit is not permitted to fish in the fishing area by legislation regulating fishing or by the state or international organisation regulating fishing in the fishing area;

8) the person who obtained the permit does not ensure monitoring of the location of the fishing vessel by a satellite monitoring system or does not enable the presence of an observer on board the fishing vessel in a fishing area where this is required by the European Union, the state or international organisation regulating fishing;

9) the fishing licence of the vessel entered in the permit is revoked;

10) the master specified in the fishing permit of the fishing vessel violates the requirements for or relating to fishing provided for in § 20² of this Act more than once during the term of validity of the permit. In such case, the issuer of permits shall issue a new fishing permit at the written request of the holder of the permit within two weeks as of receipt of an application submitted according to the requirements;

11) a person holding a special purpose fishing permit has violated the conditions of the permit.

(2¹) In the case specified in clause (2) 4) of this section, the date of exhaustion of fishing opportunities shall be established by the Minister of the Agriculture or the European Commission.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(3) An expired fishing permit shall be returned to the issuer of permits within ten days after the expiry of the permit. If the permit is issued for fishing in waters outside the jurisdiction of the Republic of Estonia, the permit shall be returned within thirty days after the expiry of the permit.

[RT I 2004, 89, 609 – entered into force 7.01.2005]

§ 16². Obligation to certify fishing rights

(1) A person who is fishing shall always have the document certifying his or her right to fish with him or her during recreational, special purpose and commercial fishing and he or she is required to present such document to the person exercising supervision at the request thereof.

(2) If a document certifying the right to fish or a document specified in subsection 11 (7) of this Act does not have a photograph, or the recreational fishing rights were acquired by mobile phone payment, a person shall also carry an identity document during fishing.

[RT I 2008, 19, 133 – entered into force 1.07.2008]

(3) Upon fishing on the basis of a fishing permit of a fishing vessel, a copy of the permit is considered as a document certifying the right to fish within seven days after issue of the permit. The abovementioned temporal restriction does not apply upon fishing in waters outside the jurisdiction of the Republic of Estonia.

[RT I 2004, 89, 609 – entered into force 7.01.2005]

§ 17. Rules on fishing and collection of aquatic plants (hereinafter Fishing Rules)

(1) The procedure for fishing on all water bodies and the procedure for collecting aquatic plants shall be established by the Government of the Republic in the form of the Fishing Rules.

(2) The Fishing Rules shall prescribe:

- 1) closed seasons and prohibited areas for fishing;
- 2) minimum fish sizes and the conditions of by-catch;
- 3) restrictions on and requirements for fishing gear and methods;
- 4) a list and description of fishing gear;
- 5) requirements for marking fishing gear;
- 6) the methods for the calculation of the proportion of sprats and Baltic herring in trawl catch.

(3) For the purposes of this Act, by-catch is undersized fish and other species of fish which are caught in the fishing gear in addition to the species of fish permitted by the fishing permit.

(4) The Government of the Republic shall implement requirements for and restrictions on fishing resulting from international agreements in waters outside the jurisdiction of the Republic of Estonia in respect of vessels with an Estonian certificate of nationality, in so far as this is not regulated by the legislation of the European Union or by international agreements.

[RT I 2004, 30, 208 – entered into force 1.05.2004]

§ 17¹. First buyer of fish

(1) An undertaking registered in the commercial register whose business or a part thereof engaged in the handling of fish (hereinafter undertaking) is approved pursuant to the Food Act or who has notified the supervisory authority of such undertaking pursuant to the Food Act as well as an undertaking registered in the commercial register who has notified the supervisory authority of handling of fish by its business pursuant to the Feedingstuffs Act may engage in the first sale of fish. An undertaking who has punishments in force for violation of the requirements for the purchase or sale of fish is prohibited to engage in the first sale of fish.

(2) The Ministry of the Agriculture shall organise the collection of information concerning first buyers.

(3) Purchase of fish for own use within one twenty-four-hour period is not deemed to be the first sale of fish if fish is bought in a quantity whose value is up to 19.20 euro according to the average first sale price in Estonia during the year preceding the purchase. The average

first sale prices in Estonia for the preceding year shall be published by fish species in the official publication *Ametlikud Teadaanded* and on the website of the Ministry of Agriculture by 10 January each year. The value of fish caught within the period of 1 to 9 January shall be calculated based on the latest published average first sale prices in Estonia.

[RT I 2010, 22, 108 – entered into force 1.01.2011]

Chapter 3

Maintaining Records on and Regulation of Fishing and Conservation of Fishery Resources

§ 18. Obligation to submit data concerning fishing

(1) A person who fishes or collects aquatic plants on the basis of a fishing permit is required to submit catch, collection or landing data pursuant to the requirements established by the Government of the Republic.

(2) The procedure specified in subsection (1) of this section also applies to the owners of private fishing grounds, to local governments with respect to fishing permits issued by them and to vessels flying the Estonian flag, irrespective of the fishing area.

(3) The maintenance of records on catch data shall be organised by the Ministry of Agriculture.

[RT I 2004, 89, 609 – entered into force 7.01.2005]

(4) Information shall also be submitted concerning mammals and birds which die in fishing gear as by-catch.

(5) The first buyer of fish shall submit information on the purchase of fish or aquatic plants from a person holding fishing rights, pursuant to the procedure established by the Government of the Republic.

[RT I 2004, 89, 609 – entered into force 7.01.2005]

(6) The master of a ship which receives, transports or processes fish at sea shall submit information on the receipt, processing, transport or landing of the fish pursuant to the procedure established by the Government of the Republic.

(7) The master of a fishing vessel which catches fish or receives, transports or processes fish at sea shall notify the Environmental Inspectorate of the ship's entry into a port and of the quantity of fish on board. The time and procedure for notification and the list of data to be forwarded shall be established by a regulation of the Minister of the Environment.

(8) Information shall also be submitted concerning the discharge, storage or transportation of fish which takes place before the first sale pursuant to Articles 9 and 13 of Council

Regulation 2847/93/EEC establishing a control system applicable to the common fisheries policy (OJ No. L 261, 20.10.1993, pp. 1-16). The procedure for the submission of information, the format in which such information is to be submitted and the terms for the submission of information shall be established by the Government of the Republic.

(9) If based on European Union law, a permit is required for transshipment, receipt, processing, joint fishing or lading activities of several vessels, the Government of the Republic shall appoint, by a Regulation, the authority issuing the permits. Where necessary, the Government of the Republic or a Minister authorised thereby may establish, by a Regulation, the procedure for the issue and the format of permits.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

§ 19. Restrictions on fishing

(1) Fishing is regulated by the Fishing Rules and, taking international agreements and Estonian law into consideration, by establishing quota allocations, permitted types and a permitted amount of fishing gear, and a permitted number of fishing days and fishing vessels.

(2) The bases for restrictions on fishing shall be scientific research and statistical data concerning fishing.

(3) If fishery resources are endangered, the Minister of the Environment shall establish temporary restrictions on fishing on the proposal of fish conservation and research institutions. The proposal of fish conservation and research institutions is unnecessary if the restrictions on fishing arise from an international agreement or have been determined on the basis of an international agreement by an international organisation regulating fishing.

(4) If the need to repeatedly or temporarily amend the fishing requirements arises from an international agreement, the Government of the Republic may delegate the right to the Minister of the Environment.

(5) The Minister of the Environment may prohibit the landing, transshipment at sea, keeping on board or receipt of a species of fish if it is prohibited to catch the species of fish.

(6) If the commercial fishing opportunities established per body of water or the annual permitted catches approved by the Government of the Republic based on subsection 13⁴ (3²) are exhausted, the Minister of Agriculture may suspend or terminate commercial fishing on such water body.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(7) If, pursuant to a Regulation of the European Union, the ports where fish may be landed or trans-shipped must be determined, the Minister of the Environment shall determine such ports.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

§ 19¹. Certification of origin of fish

(1) Upon commercial fishing, the sales note, landing declaration, fishing record of the fishing vessel together with the fishing licence, coastal fishing record together with the fisherman's fishing permit or the declaration on the discharge of fish is deemed to be the document certifying the origin of the fish. The special fishing permit is deemed to be the document certifying the origin of fish caught upon special fishing. The fishing card, document in proof of payment for the recreational fishing right or, if the fishing rights were paid for using a mobile phone payment, the identity document of the person engaging in recreational fishing, or the document specified in subsection 11 (7) of this Act is deemed to be the document certifying the origin of fish caught upon recreational fishing.

[RT I 2008, 19, 133 – entered into force 1.07.2008]

(1¹) If lading is carried out by a third party fishing vessel, then in addition to the documents specified in subsection (1) of this section, a control document issued by the port state is deemed to be a document in proof of the origin of the fish provided that such document has been approved by the flag state of the fishing vessel.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(2) The requirements specified in this section concerning the certification of the origin of fish do not apply to fish purchased for own purposes in the quantities specified in clause 17¹ of this Act and fish caught by line fishing.

(3) The buyer of fish shall give a copy of the sales note for the fish to every next buyer of the fish who purchases the fish for handling for commercial purposes. If fish is sold in several lots then each buyer of fish shall receive a copy of the sales note which shall set out the quantity of the fish transferred, the date of transfer, the manner of presentation of the transferred fish, and data on the means of transport and driver of the seller.

(4) Upon handling of fish, the document certifying the origin of the fish shall be kept at the food business and, upon transport of fish, such document shall be kept in the means of transport used for carrying the fish, and the handler or carrier of fish is required to present such document to the person exercising supervision at his or her request.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

§ 20. Prohibited activities, fishing methods and fishing gear

(1) While fishing or collecting aquatic plants on bodies of water, it is prohibited to:

- 1) alter the bottom of the water body or the shoreline profile;
- 2) obstruct shipping traffic in designated shipping lanes;
- 3) pollute the water or dump anything into the body of water;
- 4) damage or destroy markings, signs or constructions placed on or beside the body of water.

(2) While fishing, it is prohibited to catch fish which while fresh are smaller than the minimum size specified in the Fishing Rules. The conditions for by-catch of undersized fish shall be provided by the Fishing Rules.

(3) While fishing or collecting aquatic plants, it is prohibited to discard caught fish or collected plants into the water if they have lost their ability to live.

(4) It is prohibited to catch fish without using fishing gear, or with fishing gear not specified in this Act and not described in the Fishing Rules, or using methods which cause fish to die for no purpose and damage to fishery resources, such as fishing using electricity, toxic or narcotic substances, firearms or explosive charges.

(4¹) It is prohibited to manufacture, own, store, transfer, transport or use a means for fishing by electrical current (hereinafter electric fishing gear), except for the purposes of research of fishery resources. Electric fishing gear used for research purposes must be entered in the database established by the Minister of the Environment and the Ministry of the Environment shall issue a certificate concerning the electric fishing gear entered in the database.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(5) The use of fishing gear and fishing methods not described in the Fishing Rules is permitted if the Minister of the Environment grants permission therefor.

(6) The following are prohibited:

- 1) sell or purchase undersized fish or products prepared therefrom;
- 2) sell, purchase or transport fresh fish caught from a water body where the catch of the corresponding species is prohibited;

[RT I 2008, 19, 133 – entered into force 23.05.2008]

- 3) sell, purchase or handle fresh fish the origin of which cannot be proved;
- 4) sell or buy fish caught upon recreational fishing or line fishing.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(7) The prohibition on the purchase of fish specified in subsection (6) of this section applies to first buyers of fish and to each following buyer who buys the fish for further handling for commercial purposes.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(8) [Repealed – RT I 2006, 60, 444 – entered into force 7.01.2007]

(9) It is prohibited to assist a vessel which, based on a Regulation of the Council of the European Union, has been included in the list of vessels concerning which are suspected of or have been identified as having engaged in illegal, unreported or unregulated fishing, and it shall be prohibited to engage in trans-shipment of fish at sea or to carry out joint fishing activities with such vessel.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(10) An operator entered in the commercial register of the Republic of Estonia is prohibited from use, upon fishing, a vessel which, based on a Regulation of the Council of the European Union has been included in the list of vessels which have been identified as having engaged in illegal, unreported or unregulated fishing.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

§ 20¹ [Repealed – RT I 2004, 2, 9 – entered into force 1.03.2004]

§ 20². Activities significantly interfering with conservation and management of fishery resources

Violations of the requirements for or relating to fishing which are deemed to be activities significantly interfering with the conservation and management of fishery resources are the following:

- 1) hindering the work of an inspector or observer;
- 2) fishing without a fishing permit;
- 3) fishing with a falsified fishing permit;
- 4) fishing with prohibited fishing gear or attachments;
- 5) use of prohibited fishing methods;
- 6) fishing in closed season or in a prohibited area or in violation of the requirements for by-catch;
- 7) catch of undersized fish in violation of the requirements established for minimum sizes;

8) falsification of information required by the procedure for the submission of information, failure to submit information within the prescribed term or submission of false information;

9) absence of the requisite satellite monitoring system on board a ship or violation of the requirements prescribed by the procedure for forwarding information obtained through satellite monitoring system.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

§ 21. Obligation of owners and possessors of water bodies to conserve fishery resources
The owners and possessors of water bodies are required to organise the conservation of fishery resources in the water bodies in the ownership or possession thereof.

§ 22. Import of fish or restocking of bodies of water with fish

(1) Live fish and other species of aquatic organisms which are not found naturally in Estonia and the fertilised roe thereof may be imported into Estonia only with the permission of the Minister of the Environment.

[RT I 2009, 3, 15 – entered into force 1.02.2009]

(2) The procedure for the restocking of bodies of water with fish shall be established by the Government of the Republic.

§ 23. Environmental impact assessment

(1) In order to erect buildings or constructions or perform other works which may damage fishery resources, an environmental impact assessment shall be organised pursuant to the procedure provided for in the Environmental Impact Assessment and Environmental Management System Act (RT I 2005, 15, 87).

(2) The Ministry of the Environment or the Environmental Board has, as the person exercising supervision over environmental impact assessment, the right to determine environmental requirements for the protection of fishery resources if the proposed activities may damage fishery resources or marine biota.

[RT I 2009, 3, 15 – entered into force 1.02.2009]

Chapter 3¹

Liability

[RT I 2002, 63, 387 – entered into force 1.09.2002]

§ 23¹. Violation of requirements for fishing, keeping of fish on board, sale, purchase or handling of fish or requirements related to electric fishing gear

(1) Fishing or catching of river lamprey or crayfish or the organisation thereof in closed season, in a prohibited area, with prohibited gear, without a permit or in violation of the requirements of the permit, and violation of other requirements for fishing, conservation or use of fishery resources, violation of the requirements for the purchase or sale of fish, handling of fish whose origin cannot be proven, or the use, manufacture, owning, storing, transfer or transport of prohibited electric fishing gear is punishable by a fine of up to 300 fine units.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euro.

[RT I 2010, 22, 108 – entered into force 1.01.2011]

(3) A body conducting extra-judicial proceedings or a court may, pursuant to § 83 of the Penal Code, apply confiscation of the means of the commission of a misdemeanour provided for in this section and the thing which was the direct object of the commission of a misdemeanour provided for in this section.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

§ 23². Fishing without fishing permit or fishing licence and using fishing vessel

(1) Fishing without a fishing permit or in violation of the requirements thereof or without a fishing licence, if a fishing vessel is used, is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euro.

[RT I 2010, 22, 108 – entered into force 1.01.2011]

§ 23³. Violation of procedure for submission of information to be forwarded via satellite monitoring system or hindering work of observer or inspector

(1) Violation of the procedure for the submission of information to be forwarded via the satellite monitoring system, absence of the requisite satellite monitoring system on board of a ship or interference with the operation thereof or hindering the work of an observer taken on board a vessel or an inspector exercising supervision is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euro.

[RT I 2010, 22, 108 – entered into force 1.01.2011]

§ 23⁴. Violation of procedure for submission of data concerning fishing, violation of requirements for transshipment, fishing operations on several vessels or landing, and assisting vessels engaged or suspected to engage in illegal, unreported or unregulated fishing or use of such vessels for fishing

(1) Violation of the procedure for the submission of data concerning fishing and violation of the requirements for transshipment, fishing operations on several vessels or landing, or assisting vessels entered in a list of vessels which are engaging or suspected to engage in illegal, unreported or unregulated fishing or the use of such vessels for fishing is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euro.

[RT I 2010, 22, 108 – entered into force 1.01.2011]

§ 23⁵. Violation of requirements for collection of aquatic plants

(1) Collection of aquatic plants or the organisation thereof in closed season, in a prohibited area, with prohibited gear, without a permit or in violation of the requirements of the permit and violation of other requirements for the conservation or use of aquatic plant resources is punishable by a fine of up to 300 fine units.

(2) The same act, if committed by a legal person, is punishable by a fine of up to 3200 euro.

[RT I 2010, 22, 108 – entered into force 1.01.2011]

§ 23⁶. Procedure

(1) The provisions of the General Part of the Penal Code and of the Code of Misdemeanour Procedure apply to the misdemeanours provided for in §§ 23¹-23⁵ of this Act.

(2) Extra-judicial proceedings concerning the misdemeanours provided for in §§ 23¹-23⁵ of this Act shall be conducted by:

1) a police authority;

[RT I 2009, 62, 405 – entered into force 1.01.2010]

2) [repealed – RT I 2009, 62, 405– entered into force 1.01.2010]

Chapter 4

Final Provisions

§ 24. Supervision

(1) Supervision over fulfilment of the requirements of legislation regulating fishing and the conditions designated in a fishing permit, even in waters outside the jurisdiction of the Republic of Estonia, shall be exercised by the Ministry of the Environment.

(1¹) In cases prescribed by the legislation of the European Union or by international agreements, supervision may also be conducted by inspectors of the European Union or, in waters outside of Estonian jurisdiction, by inspectors of the coast states or organisations regulating fishing.

(2) Upon the supervision of fishing in waters outside the jurisdiction of the Republic of Estonia, the provisions of the Environmental Supervision Act apply in so far as this is not regulated by the legislation of the European Union or by international agreements.

(3) If the master of a ship fails to allow, in waters outside of the Estonian jurisdiction, the coming aboard of and inspection by duly authorised inspectors, the Environmental Inspectorate shall order the master to immediately allow the performance of such acts, except in situations where, pursuant to generally recognised international rules, procedure or practice related to maritime safety, such taking on board or inspection must be postponed. If the master of a ship fails to comply with such order, the validity of the fishing licence of the ship is suspended.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(4) In the exercise of supervision, the master of a ship is required to:

- 1) allow and facilitate the quick and safe boarding of the inspectors;
- 2) co-operate with and assist the inspectors upon inspecting the ship;
- 3) not hinder or interfere with the work of the inspectors in the course of inspection;
- 4) allow the inspectors to use the telecommunications means of the ship as necessary in order to enable communication between the inspectors and the agencies of the flag state and the inspecting state during inspection;
- 5) guarantee that the inspectors have necessary conditions for work, and provide them with food and accommodation as necessary;
- 6) facilitate the safe departure of the inspectors from the ship.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

§ 24¹. Observers

(1) The Minister of the Environment may determine fishing grounds or caught species in the case of which a fishing vessel with an Estonian paper of nationality has the obligation to take aboard an observer. The observer must be taken aboard before fishing is commenced.

[RT I 2004, 30, 208 – entered into force 1.05.2004]

(2)–(3) [Repealed – RT I 2004, 30, 208 – entered into force 1.05.2004]

(4) The requirements for the observer and the tasks of the observer shall be established by the Minister of the Environment.

(5) The procedure for submission of information collected by an observer and the format in which such information is to be submitted shall be established by the Minister of the Environment.

(6) If, arising from international agreements or requirements of the European Union, the presence of an observer on board all vessels or during the entire time of fishing is not required in an area determined based on subsection (1) or upon fishing for all species, the Minister of the Environment shall determine, by a Regulation, the extent of decreasing coverage by observer and shall establish the procedure for determining the period of coverage by observer. Reduction of the extent of coverage by observer shall be guided by the aim of placing observers on board of vessels and the balance between different types of fishing vessels or vessels fishing in different areas.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

(7) The Environmental Inspectorate shall determine, for each year, the period of time during which the extent of coverage by observer shall be reduced based on subsection (6) of this section. If an operator or ship's master has committed, during the past two years, a violation not specified in § 20² of the Fishing Act, then the extent of observer coverage for the ship connected to such violation shall not be reduced.

[RT I 2008, 19, 133 – entered into force 23.05.2008]

§ 24². Satellite monitoring system

(1) Estonian fishing vessels shall be equipped with an autonomous satellite communications based system for monitoring vessels (hereinafter satellite monitoring system) and to forward data by the satellite monitoring system pursuant to Commission Regulation 2244/2003/EC laying down detailed provisions regarding satellite-based monitoring systems (OJ L 333, 20.12.2003, pp. 17–27). The fishing vessels monitoring centre specified in Article

3 of Commission Regulation 2244/2003/EC of Estonia operates at the Environmental Inspectorate.

(2) Where necessary, the Ministry of the Environment may establish a list of data to be forwarded via the satellite monitoring system, the frequency of and procedure for presenting information, as well as the requirements for the satellite monitoring system.

[RT I 2004, 30, 208 – entered into force 1.05.2004]

§ 25. Compensation for damages caused by unlawful fishing

(1)–(3⁴) [Repealed – RT I 2002, 63, 387 – entered into force 1.09.2002]

(4) Damage which has been caused to fishery resources shall be compensated for. The rates of compensation for damage and the bases and methods for the calculation of damage caused to fishery resources by fishing or in any other way, including the standard format of the report on calculation of the damage caused to fishery resources shall be established by the Government of the Republic. Establishment of the rates of compensation for damage shall be based on threats to the species of fish and the conservation status and market price thereof. The rate of compensation for damage per individual of a species shall not be less than 3.20 euro or more than 32 euro. The rate of compensation for damage per individual salmon shall not be less than 64 euro or more than 130 euro. The rate of compensation for damage per one kilogram of a species shall not be less than 0.64 euro or more than 32 euro, except in the cases set out in subsection (6) of this section.

[RT I 2010, 22, 108 – entered into force 1.01.2011]

(5) [Repealed – RT I 2006, 60, 444 – entered into force 7.01.2007]

(6) If damage is caused to an individual of a species in closed season or in a prohibited area for fishing or to fishery resources to a particularly great extent, the rate of compensation for damage per individual or kilogram of a species may be ten times the rate determined pursuant to subsection (4) of this section. Damage caused to fishery resources upon fishing by using electricity, toxic or narcotic substances, firearms, explosive charges or by other methods which cause fish to die for no purpose is deemed to be causing damage to a particularly great extent.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

§ 25¹. Implementation of Act

(1) [Repealed – RT I 2004, 30, 208 – entered into force 1.05.2004]

(2) If an entrepreneur has used a fishing vessel to fish for sprats, Baltic herring or cod for less than three years for the reason that the entrepreneur came into possession of the fishing vessel in 1999, the average fishing opportunities related to the fishing vessel and used legally in 1999 and 2000 are deemed to be the three year average. If an entrepreneur has used a fishing vessel for this purpose for less than three years for the reason that the entrepreneur came into possession of the vessel in 2000, the fishing opportunities related to the fishing vessel and used legally in 2000 are deemed to be the three year average.

When this average is multiplied by three, the amount obtained is deemed to be the fishing opportunities actually used legally in the waters in the previous three years within the meaning of § 16 of this Act. The provisions of this section apply to an extent which does not reduce the historical fishing rights of another person by more than 10 per cent.

(3) Subsections 16 (5) and (6) and subsection 25¹ (2) of this Act enter into force on the day following the date of publication in the *Riigi Teataja*.

(4) Section 13⁶ of this Act enters into force on 1 August 2003. Fishing licences become mandatory as of the start of issue of fishing permits for fishing vessels for the year 2004.

(5) The obligation to register fishing vessels in the state register enters into force:

- 1) on 1 August 2002 for ships with a length of twenty-four metres and longer;
- 2) on 1 August 2003 for ships with a length of less than twenty-four metres.

(6) Subsection 18 (7) of this Act enters into force on 1 January 2003.

(7) On the tenth day after publication in the *Riigi Teataja*:

- 1) subsections 15 (3¹)–(3³), 16 (3²)–(3⁵) and 16² (2) and (3) of this Act enter into force;
- 2) subsections 11 (1) and (2), clauses 11 (3) 1)-3), subsections 11 (4)-(11) and (12)-(15), subsections 15 (1)–(1²), (3), (4) and (8) and subsection 16 (3) of this Act enter into force in the wording of 17 December 2003.

(8) On 1 March 2004:

- 1) subsections 13 (6)-(14), subsections 13¹ (5) and (6), subsection 13³ (11), clauses 13⁴ (8) 8)-10), subsections 13⁶ (4¹) and (4²), subsections 15 (1³), (1⁴) and (2¹), subsections 16 (2¹) and (5¹), clauses 16¹ (2) 9) and 10) and subsection 16¹ (3), clause 17 (2) 6), § 17¹, subsections 18 (8) and (9), subsections 19 (4) and (5), subsections 20 (7) and (8), § 20², § 23⁴, § 23⁵, § 23⁶, subsection 24² (1¹) and subsections 25 (5) and (6) of this Act enter into force;
- 2) section 1, subsections 13 (1) and (5), subsection 13⁴ (4), clause 13⁴ (8) 1) and subsection 13⁴ (9), subsections 13⁶ (1), (4) and (5), subsections 15 (2) and (7), clauses 16¹ (2) 1) and 2), subsection 18 (1), subsections 19 (3), subsections 20 (6), the title of § 23¹ and

subsection 23¹ (1), the title of § 23² and subsection 23² (1), § 23³, subsection 24² (1) and subsection 25 (4) of this Act enter into force in the wording of 17 December 2003;

3) clauses 13⁴ (8) 4) and 7), clause 16¹ (2) 5), and § 20¹ of this Act are repealed.

(9) On 1 January 2005:

1) clause 11 (3) 4) of this Act enters into force;

2) section 13³ of this Act is repealed, and in subsection 13⁶ (4) of this Act, the words "registrar of the state register of fishing vessels" shall be substituted by the words "authorised processor of the state register of fishing vessels";

3) the words "and restricted fishing rights" are omitted from subsection 15 (1) of this Act, the words "and restricted fishing rights" and "the right to catch crayfish" are omitted from subsection 15 (7) of this Act, and the words "the right to catch crayfish, restricted fishing rights" are omitted from subsection 15 (8) of this Act;

4) the words " on the basis of permits to catch crayfish or restricted fishing permits" are omitted from clause 20 (6) 4) of this Act;

5) the obligation provided for in subsection 24² (1) of this Act enters into force in respect of vessels with overall length between 15 and 18 metres (included);

6) clause 11 (3) 5), subsection 11 (11¹) and subsection 15 (11) of this Act enter into force in the wording of 15 December 2004.

(10) Fishing cards issued before the entry into force of the wording of § 11 of this Act of 17 December 2003 are valid until the date of expiry thereof.

(11)–(12) [Repealed – RT I 2004, 89, 609 – entered into force 7.01.2005]

(13) If a person who has engaged in restricted fishing in the years 2002, 2003 or 2004 wishes to engage in commercial fishing pursuant to a fisherman's fishing permit as of the year 2005, the person shall submit a corresponding application to the environmental service of the catching area and register himself or herself in the commercial register as entrepreneur engaged in commercial fishing by 1 September 2004. In this case, restricted fishing opportunities legally acquired by the person shall also be taken into consideration as legally acquired fishing opportunities specified in subsection 16 (3) of this Act upon division of commercial fishing opportunities to the person on the basis of the historical fishing rights. Commercial fishing may be commenced in the same county where the person engaged in restricted fishing. The greatest amount of fishing gear entered on a permit issued to a person for a particular year is considered to be the fishing opportunity legally acquired by the person for that year.

(14) The fishing permits for 2005 shall be issued by the Ministry of the Environment, the environmental services of the relevant county or the environmental service appointed by the Minister of the Environment.

(15) In 2004, applications for a fishing card may also be submitted prior to the establishment of the restrictions for 2005 on the basis of subsections 11 (11) and (11¹) of this Act. A person is deemed to have waived application for a fishing card submitted prior to the entry into force of this subsection if the person has failed to pay the fee for the right to fish for recreation by 1 February 2005.

(16) On 1 September 2005:

1) subsections 13¹ (3), 13² (5), 13⁴ (3), 13⁵ (1) and 16 (21) of this Act enter into force in the wording of 15 December 2004;

2) subsections 16 (1) and (2) are repealed.

(17) On 1 January 2006, section 6¹, subsection 17¹ (2) and subsections 18 (3) and (9) of this Act enter into force in the wording of 15 December 2004.

(18) Subsection 13⁴ (10) of this Act is in force until 31 December 2007.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

(19) Subsections 13² (3¹) and 13⁴ (11) and (12) enter into force on 1 January 2008.

[RT I 2006, 60, 444 – entered into force 7.01.2007]

§§ 26–27 [Omitted from this text]

¹ RT = *Riigi Teataja* = *the State Gazette*